

## **BOARD OF SELECTMEN**

### **Minutes of**

November 19, 2007

Chairman McArdle called the meeting to order at 7:30PM. Board members present in addition to Chairman McArdle were Richard Gandt, Steve Clark, and Dick Carlson. Boyd Jackson was absent. Of the Selectmen's staff, Town Administrator Virginia Wilder, and Board Secretary Donna Rich were in attendance. Other persons present were Jane Schraffa and Evleyn Hammond of the Topsfield Cable. Also present were Faye Raynard of the Village Reporter, Heidi Fox, chairman, Town Hall Build Committee, Bob Winship, Norm Isler, Jim Ugone, Al Wallace and Ben Nutter also of the Town Hall Building Committee and Dinart Serpa, owner of Dunkin Donuts, 367 Boston St.

**Announcements:** Chairman McArdle announced that the Board would go into executive session at the end of the meeting to discuss Bernstein v. Topsfield lawsuit and Police union contract negotiations and it would not return to open session.

The Chairman also announced the 7<sup>th</sup> Annual Holiday Walk is scheduled for December 1, 2007 between the hours of 3:30 – 7 PM with Main Street being closed off at 4PM. There is a list of events on the Town website.

**Selectmen Minutes:** Selectman Gandt made a motion to accept the minutes of October 29, 2007 as written; seconded by Selectman Clark; so voted 4-0. Selectman Gandt made the motion to accept the minutes of November 5, 2007 as written; seconded by Selectman Clark, so voted 4-0.

### **NEW BUSINESS:**

**Proclamation for Recycling:** Selectman Gandt read the Proclamation in whole. Selectman Carlson made a motion to adopt the resolution in support of the Mass Recycles Paper! Campaign, Selectman Clark seconded; so voted 4-0. There was discussion on the effectiveness of the recycling program in Town.

**Foreign Road Salt:** Selectman Clark made a motion to award a contract of Foreign Road Salt to International Salt Company, LLC of Clarks Summit, PA at the unit price of \$48.90 per ton with a total contract in the amount of \$13,000 for FY08 for the Highway Department, seconded by Selectman Carlson; so voted 4-0.

**Solar Road Salt:** Selectman Gandt made a motion to award a contract of Solar Road Salt to Morton International Inc of Chicago, IL at the unit price of \$49.59 per ton with a total contract in the amount of \$13,000 for FY08 for the Highway Department, seconded by Selectman Carlson; so voted 4-0. There was discussion on the difference between the two salts and the reason for the two contracts. The Highway Department had used a single supplier in the past but mid-season one year the single supplier was unable deliver salt at the contracted price. As a result the Town is now using two sources of supply to ensure better availability.

### **APPOINTMENT:**

**7:45 PM – Dunkin Donut Sign Permit** Dinart Serpa owner of 367 Boston Street was asked to present his request for a sign permit. Selectman Gandt read the Hearing Notice. Mr. Serpa made a presentation to the Board on his application for a special sign permit. Mr. Serpa noted that the Building Inspector had denied his sign request as non-conforming and that the Zoning Board of Appeals had made specific design requirements in their approval of his variance. These were: a 30 square foot sign with gold lettering on a black background; with direct, shielded lighting. Selectman Gandt made a motion to accept the sign as presented on the plan dated 10/25/07 with specifications as set forth on that drawing, seconded by Selectman Carlson; so voted 4-0.

**NEW BUSINESS:**

**Proctor School Exterior Door Replacement:** Selectman Gandt made a motion to approve a contract with New England School Services, Inc of Medford, MA for the east exterior entry door at Proctor School to be replaced in the amount of \$5,611.45 which had been voted at the Annual Town Meeting in May 2007, under article 21 and funded in the amount of \$6,500, seconded by Selectman Clark; so voted 4-0.

**102 River Road House Demolition:** Glenn Clohecy, Building Inspector has submitted a letter requesting permission to proceed with enforcement action against the Esposito's of 102 River Road due to their lack of compliance regarding the demolition of the second house on their property. Selectman Carlson made a motion to endorse the Building Inspector, Glenn Clohecy, to proceed as stated in his letter dated November 15, 2007, seconded by Selectman Clark; so voted 4-0. Selectman Clark said Mr. Clohecy should be advised to obtain Town Counsel advice before proceeding.

**APPOINTMENT:**

**8:00 PM – Town Hall Building Committee,** Chairman Heidi Fox approached the Board and distributed an Executive Summary to members and a complete report to the Chairman. The Executive Summary is attached. Chairman Fox explained that the committee was charged with analyzing current conditions, and planning for future functional needs of Town Departments. This project has been in the research phase on and off for the past 10 years, with the last recommendation being voted down at the 2005 ballot. The Committee of 12 volunteer members has been meeting each month since June. They divided up into several sub-committees researching specific areas. Chairman Fox reviewed each section within the Executive Summary with the Board. Chairman Fox noted that at this point in the research process, financial assistance for professional advice is required. The report addressed certain immediate concerns the Committee identified with the building as it is today. One is the secondary egress from the second floor and another noteworthy item is ADA compliance. Jim Ugone, member of the Committee joined Chairman Fox to discuss adaptive re-use of the building and the use of a consultant to obtain further information regarding this option. Chairman McArdle thanked the Committee members for an impressive report and asked that copies of the full report be made available for the Board members. Selectmen Gandt provided kudos noting the Committee's ability to "think outside the box". Chairman McArdle ended the conversation requesting that there be a couple of working sessions set up after Board members have had a chance to fully review the document to determine where the project goes from here.

**Town Administrator's Report:**

Please see attached report.

**Correspondence & Reports**

Correspondence

- Letter received from Paul & Shirley Fontaine, 21A Grove St, regarding the Rail Trail Project and their concern about removal of trees and bushes that provide privacy on their property.
- Kopleman & Paige have sent a memo regarding State Ethics Commission reclassifying some non-profit organizations.
- Letter received from Rob Baker, representative of 39 Gail St regarding trees that were cut down at 37 Gail Street.

- Department of Conservation & Recreation sent formal authorization of the 2006 Grant awarded to the Rail Trail in the amount of \$40,000 to be used by June 30, 2009.
- Susan Givens, CFO of MASCO has submitted the Independent Auditor's Report on the Basic Financial Statements & Required Supplemental Information with a Management letter.
- The Fire Chief has submitted 2 new call fighters for appointment to the Board. Selectman Gandt made a motion to appoint Michael Bell and Travis Fontaine commencing today to expire June 30, 2008 as call fire fighters, Selectman Carlson seconded the motion; so voted 4-0.

Reports

- Regional Operations Center Meeting minutes of October 18, 2007 were submitted.
- Board of Assessors minutes of October 19, 2007 were submitted.
- Conservation Commission CoC for 31 Wildes Rd, AOoC for 367 Boston St, minutes of September 12, 2007 were submitted.
- Web Site Committee minutes of September 26, 2007 were submitted.
- Fire Department monthly report for October was submitted.
- Parks & Cemetery Superintendent's report of November 6, 2007 and minutes of October 17, 2007 were submitted.
- Surface & Ground Water Study Committee minutes of October 11, 2007 were submitted.
- Cable TV Advisory Committee minutes of October 3, 2007 were submitted.
- Board of Library Trustees minutes of October 16, 2007 were submitted.
- Planning Board minutes of October 16, 2007 were submitted.

**Warrants:** The Selectmen signed and approved warrants in the amount of \$ **1,684,192.65**. The breakdown is as follows:

Warrant #FY08:

041T	\$ 70,023.81
041S	\$ 204,457.10
042	\$1,409,711.74

At 8:50 PM, Chairman McArdle said he would entertain a motion to go into executive session to discuss the Bernstein v. Topsfield lawsuit and the Police union contract negotiations and that the Board would not return to open session; Selectman Gandt made the motion to go into executive session, seconded by Selectman Clark; a yes vote was recorded for Selectmen Carlson, Selectmen Gandt, Selectmen Clark and Chairman McArdle. Virginia Wilder and Donna Rich were present also.

Respectfully submitted,

Donna Rich, Secretary  
Selectmen's Office

*Approved as written at the December 3, 2007 Board of Selectmen's meeting.*